

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed November 14, 2006 (the "Office Action"). At the time of the Office Action, Claims 1-21 were pending. The Office Action rejects Claims 1-4, 6-11, and 13-21 and objects to Claims 5 and 12. Applicants amend Claims 1, 3-4, 9, 11, 16 and 21 and cancel Claims 2, 10 and 17. Applicants respectfully request reconsideration and favorable action in this case.

**Section 101 Rejections**

Claims 16-20 are rejected under 35 U.S.C. §101 because the Office Action contends that the claimed invention is directed to non-statutory matter. Applicants have amended independent Claim 16 to recite logic embodied as a computer program stored on a computer readable medium. Applicants respectfully request withdrawal of these rejections.

**Section 102/103 Rejections**

The Office Action rejects Claims 1, 2, 4, 9-11, 16, 17 and 21 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,573,883 issued to Bartlett ("*Bartlett*"). The Office Action rejects Claim 3 under 35 U.S.C. 103(a) as being unpatentable over Bartlett in view of U.S. Publication No. 2004/0178995 to Sterling ("*Sterling*"). The Office Action rejects Claims 6, 7, 13, 14, 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over *Bartlett* in view of U.S. Patent No. 6,564,144 issued to Cherveny ("*Cherveny*") and U.S. Patent No. 5,766,015 issued to Shpiro ("*Shpiro*"). The Office Action rejects Claims 8, 15 and 20 under 35 U.S.C. 103(a) as being unpatentable over *Bartlett* in view of U.S. Publication No. 2002/0190947 to Feinstein ("*Feinstein*"). Applicants respectfully traverse these rejections.

Amended Claim 1 recites a control module operable to identify a first precision threshold associated with a first set of the gestures; identify a second precision threshold associated with a second set of the gestures, the second precision threshold requiring greater precision than the first precision threshold; and apply a selected one of the first precision threshold and the second precision threshold based upon whether the potential gesture potentially matches to one of the first set of the gestures or one of the second set of the gestures. Claims 9, 16 and 21 recite similar elements. These elements originally appeared in Claim 2. In the rejection of Claim 2, the Office Action suggests that *Bartlett's* disclosure of implementing different angular ranges according to tilt angle  $\theta$  and using such ranges to

correspond to different scrolling speeds discloses these claim elements. *See* Office Action, pages 3-4. However, *Bartlett* merely discloses that different tilt positions may correspond to different GUI scrolling rates. *See Bartlett*, col. 5, lines 30-47. For example, a tilt position range  $\theta < \theta_1$  may correspond to no GUI scrolling, a tilt position range  $\theta_1 < \theta_2$  may correspond to stepwise GUI scrolling and a tilt position range  $\theta_2 < \theta_3$  may correspond to continuous GUI scrolling. *See id.* These are all intended tilt input movements which merely vary based on the level of tilt. There is no disclosure of different precision thresholds applied to different sets of gestures. With respect to gesture input, *Bartlett* discloses that "[a]llowance is made for the minor variations in movement that are typically expected for repeated hand movements," but *Bartlett* does not disclose different precision thresholds for different sets of gestures.

Therefore, for at least these reasons, Applicants respectfully submit that Claims 1, 9, 16 and 21 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claims 3-4 and 6-8 each depends from Claim 1, Claims 11 and 13-15 each depends from Claim 9 and Claims 18-20 each depends from Claim 16. Thus, for at least the reasons discussed above with respect to Claims 1, 9 and 16, Applicants respectfully request that the rejections of Claims 3-4, 6-8, 11, 13-15 and 18-20 be withdrawn.

Moreover, Claim 4 recites where the second set of the gestures has a greater density of potential gestures within an area of space than the first set of the gestures. Claim 11 recites similar elements. The Office Action states that *Bartlett* "teaches the angle in the second angular range is greater than the angle in the first angular range, which reads on the second set of the gestures has a greater density of potential gestures than the first set of the gestures." Office Action, page 4. However, as indicated above *Bartlett* merely discloses that different tilt positions may correspond to different GUI scrolling rates. *See Bartlett*, col. 5, lines 30-47. These tilt ranges have nothing to do with gesture input precision thresholds. Moreover, there is no disclosure of different sets of gestures with different precision thresholds having different densities of potential gestures. Therefore, for at least these additional reasons, Applicants respectfully submit that Claims 4 and 11 are patentable over

the cited art used in the rejections and request that the rejections of these claims be withdrawn.

**Allowable Subject Matter**

Applicants note with appreciation that Claims 5 and 12 are indicated as having allowable subject matter. Applicants respectfully submit that Claims 5 and 12 are allowable as depending from allowable independent Claims 1 and 9, respectively.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees due or credit any overpayments, to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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